

THIRTY-THIRD DAY.

(Continued.)

(Wednesday, February 25, 1925.)

The House met at 9 o'clock a. m. and was called to order by the Speaker.

MEMBER EXCUSED.

On motion of Speaker Satterwhite, Mr. Smith of Travis was excused for today on account of sickness.

RELATING TO CONDITIONS IN PRISON SYSTEM.

The House resumed consideration of pending business, same being H. C. R. No. 19, by Mr. Chitwood and Mr. Irwin, relating to conditions in prison system, with substitute by Mr. Stevenson for the resolution pending.

Mr. Irwin moved to table the substitute resolution.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—87.

Acker.	Harman.
Albritton.	Harper.
Alexander	High.
of Bastrop.	Hollowell.
Alexander	Hoskins.
of Limestone.	Hull.
Avis.	Irwin.
Baker of Orange.	Jacks.
Bartlett.	Jasper.
Bateman.	Jordan.
Bean.	Justice.
Bedford.	Kayton.
Bird.	Kinnear.
Bryant.	Laird.
Carter.	Lane of Hamilton.
Chitwood.	Lane of Harrison.
Coffey.	Lipscomb.
Conway.	McBride.
Coody.	McFarlane.
Covey.	McGill.
Cox of Lamar.	McNatt.
Cox of Navarro.	Merritt.
Cummings.	Moore.
Daniels.	Nicholson.
Davis of Dallas.	Pavlica.
Davis of Wood.	Pearce.
Dinkle.	Poage.
Donnell.	Pope.
Downs.	Powell.
Dunlap.	Purl.
Dunn of Hopkins.	Rawlins.
Durham.	Renfro.
Enderby.	Rogers.
Faulk.	Rowell.
Finlay.	Rowland.
Florence.	Sheats.
Graves.	Smith of Nueces.
Hagaman.	Smyth.

Stautzenberger.
Stell.
Stevens.
Taylor.
Teer.
Thompson.
Tomme.
Veatch.

Wallace.
Webb.
Wells.
Westbrook.
Wester.
Williamson.
Woodruff.
Young.

Nays—45.

Amsler.
Baker of Panola.
Barker.
Barron.
Blount.
Bobbitt.
Boggs.
Bonham.
Cade.
Dale.
DeBerry.
Dielmann.
Dunn of Falls.
Farrar.
Fields.
Foster.
Frnka.
Gray.
Hall.
Johnson.
King.
Kittrell.
Loftin.

Mankin.
McDougald.
McKean.
Parish.
Perdue.
Petsch.
Pool.
Raymer.
Rice.
Robinson.
Runge.
Sanford.
Shearer.
Simmons.
Simpson.
Sinks.
Sparks.
Stevenson.
Storey.
Stout.
Strong.
Wilson.

Absent.

Atkinson.
Brown.
Houston.
Jones.
Kemble.
Kenyon.
Low.

Masterson.
Maxwell.
McDonald.
Montgomery.
Wade.
Walker.

Absent—Excused.

Smith of Travis.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—93.

Acker.
Albritton.
Alexander
of Bastrop.
Alexander
of Limestone.
Avis.
Baker of Orange.
Baker of Panola.
Bartlett.
Bateman.
Bean.
Bedford.
Bird.

Bryant.
Carter.
Chitwood.
Coffey.
Conway.
Coody.
Covey.
Cox of Lamar.
Cox of Navarro.
Cummings.
Dale.
• Daniels.
Davis of Dallas.
Davis of Wood.

Dinkle.	Merritt.
Donnell.	Moore.
Downs.	Nicholson.
Dunlap.	Pavlica.
Dunn of Falls.	Pearce.
Dunn of Hopkins.	Perdue.
Durham.	Poage.
Enderby.	Pool.
Faulk.	Pope.
Florence.	Powell.
Foster.	Purl.
Graves.	Rawlins.
Hagaman.	Renfro.
Harman.	Rogers.
Harper.	Rowell.
High.	Rowland.
Hollowell.	Sheats.
Hoskins.	Simmons.
Hull.	Smith of Nueces.
Irwin.	Stautzenberger.
Jacks.	Stell.
Jasper.	Stevens.
Jordan.	Taylor.
Justice.	Teer.
Kayton.	Thompson.
Kinnear.	Tomme.
Laird.	Veatch.
Lane of Hamilton.	Wallace.
Lane of Harrison.	Webb.
Lipscomb.	Wells.
McBride.	Westbrook.
McDougald.	Wester.
McFarlane.	Williamson.
McGill.	Woodruff.
McNatt.	Young.

Nays—11.

Bobbitt.	Petsch.
Gray.	Sanford.
Johnson.	Sparks.
King.	Storey.
Loftin.	Wilson.
Mankin.	

Present—Not Voting.

Amsler.	Kittrell.
Barker.	McDonald.
Barron.	Parish.
Boggs.	Raymer.
Bonham.	Rice.
Cade.	Robinson.
DeBerry.	Runge.
Dielmann.	Shearer.
Farrar.	Simpson.
Fields.	Sinks.
Finlay.	Stevenson.
Frnka.	Stout.
Hall.	Strong.

Absent.

Atkinson.	Kenyon.
Blount.	Low.
Brown.	Masterson.
Houston.	Maxwell.
Jones.	McKean.
Kemble.	Montgomery.

Smyth.	Walker.
Wade.	
Absent—Excused.	

Smith of Travis.

Mr. Irwin moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider.

The motion to table prevailed.

Reasons for Vote.

I voted "present—not voting" on the majority resolution of the penitentiary investigating committee because I did not have access to the testimony taken before the committee.

ROBINSON.

I voted "present—not voting" on this resolution because I do not feel like condemning all people mentioned in the resolution on only hearsay evidence. I think the penitentiary system rotten to the core and think the investigating committee has done a great duty to the State and this House by their work, and that lasting good will result from this work.

FINLAY.

The reason I did not vote for the majority report of the penitentiary investigating committee was because I did not think we had before us sufficient evidence to base a just verdict; and for the further reason that I did not believe that Dr. Bush was guilty as charged, as Mr. Irwin stated that he had not read the affidavits of Dr. Bush.

McDONALD.

On penitentiary resolution I registered "present—not voting" because I am not in possession of sufficient evidence on which to base my action.

AMSLER.

I did not know the evidence is the reason for not voting for the original or Irwin resolution.

RICE.

My reason for not voting on H. C. R. No. 19 is that it requested the dismissal of certain officials connected with the prison system and there was no hearing had and no evidence before me by which I could determine their guilt or innocence with reference to the charges made against them.

BARRON.

I decline and refuse to vote on the resolution because the evidence on which the report of the committee is based has not been furnished members of the

House. I will not condemn any man until I have heard or read the evidence bearing upon the question of his guilt or innocence.

KITTRELL.

With respect to my vote on H. C. R. No. 19, I wish to make the following statement:

I supported a substitute resolution carrying the same features in preference to the original on the basis that the substitute in its suggestion as to firing of employes of the penitentiary system did not personally name those affected, that is, in the substitute, while the original called the names of twenty-two such employes. After the defeat of the substitute, I voted "present—not voting" on the original, because I did not care to vote against the original, and at the same time, I objected to naming the aforesaid twenty-two men involved. I did not then feel, nor do I now feel, that I had information enough to demand their specific resignations.

As I have been thrown in the light of opposing the investigation of the penitentiary system, I wish to make the following statement:

I voted for the original resolution appointing the committee to investigate the system, and as to the report, I am in general accord, and I shall in the future support the majority of their suggestions when they come properly before me, if they ever do.

After having expressed my opinion as to naming the men specifically sought to be discharged, I say in conclusion that I had much rather the resolution carrying that feature even would be adopted than nothing having been done at all.

DeBERRY.

I desire to have printed in the Journal my reasons for registering present, but not voting, upon the majority report of the special committee appointed to investigate the prison system of the State. This report demanded the resignation of more than twenty officials and employes of this system. The evidence upon which these demands are made has not been transcribed, and I have not sufficient knowledge of the justice of these demands. My function in this instance is that of a juror. I can not find a true verdict without a knowledge of the evidence consistency demands, and do not vote.

HALL.

Reasons for voting present and not voting on H. C. R. No. 19: This reso-

lution called for an opinion from the membership of this House as to the guilt of certain parties accused by the penitentiary investigating committee. The House had before it only the accusation. No evidence was heard, pro or con. I take it as a principle of this government that I would have no more right to express this opinion of guilt in this case than a petit jury would have to declare the defendant guilty only upon having heard the indictment read.

RUNGE.

I voted "present—not voting" on the majority report of the penitentiary investigation committee for the reason that I am opposed to convicting anyone of an offense or depriving another of any rights unless I first hear the evidence and the accused shall have had a chance of presenting his side of the case. Those officials who are requested to resign may be guilty and the committee who made the investigation may be convinced beyond a reasonable doubt that their services should be dispensed with, but as for myself, the alleged facts not having even been presented to the Legislature in the form of a transcript, the purported facts presented in the argument being mere hearsay, as judged from my personal viewpoint, and being at all times in favor of constitutional methods in removing public officials, I voted as above indicated, and hereby assign my reason therefor.

FRNKA.

I vote "present" upon H. C. R. No. 19 for the reason that the House has not been furnished with a transcript of the evidence upon which the resolution is based; there has been no possible opportunity for me to see the evidence, and I do not feel that I should vote to condemn men affected by the resolution upon hearsay and conclusions; upon the other hand, there seem to be in our existing penitentiary system many wrongs that should be corrected, and I, therefore, do not feel authorized to vote against the resolution.

BONHAM.

I desire that the following be printed in the Journal as the reasons explaining my registering "present but not voting" upon the majority report of the special committee appointed to investigate the penitentiary system of the State: I favored the minority report, believing it to provide the orderly, legal way for consideration of the matters

involved, and that a full consideration of the evidence could be had by the authority with powers to enforce its decision. I do so, as I wanted all the evidence considered touching the rights, if any, of any of the accused. This report was tabled. The very reason I favored the minority report precluded my favoring the majority report in reference to the demanded resignations. Unfortunately on account of sickness, I could not attend the sittings of the committee during its last visit to the penitentiary at which time much evidence was taken, and upon which many of the charges are based. This testimony has not been transcribed. Should I vote for the majority I would vote to convict several men with no knowledge of their guilt or innocence. If I voted against it I would vote to acquit some men I believe to be guilty under some evidence I have heard. Hence, the only consistent thing I could do was not to vote.

FARRAR.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 25, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 401, A bill to be entitled "An Act to create Common County Line School District No. 37, in Williamson and Burnet counties, Texas, including therein the present Long Grove Common County Line School District No. 37 of Burnet and Williamson counties, and the Prairie Lee Common School District No. 10 of Williamson county; providing a board of trustees therefor; vesting said school district board of trustees with all the rights, powers, privileges and duties conferred upon common county line school districts incorporated under the general laws of Texas, and providing for a board of trustees to serve until the time for the next election of school trustees as provided by general laws; providing for the validation of all contracts for maintenance of the schools of the districts herein incorporated for the current scholastic year, as the subsisting obligations and acts of the Common County Line School District No. 37 as created by this act; conferring upon Williamson county jurisdiction over the said district, and declaring an emergency."

H. B. No. 301, A bill to be entitled

"An Act creating the Goldthwaite Independent School District in Mills county, Texas; defining its boundaries, including the present Goldthwaite Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, or any other law or laws that may be hereafter enacted governing independent school districts created or incorporated for free school purposes only under the general laws of this State; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the title to all school property within the boundaries herein defined shall be and is vested in the Goldthwaite Independent School District as herein created; providing that this act shall not affect local maintenance or bond taxes; repealing conflicting laws, and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act creating a more efficient road system for Bastrop county, Texas; providing for the establishment of office of superintendent of public roads and bridges in said county; providing the manner of appointing such superintendent, prescribing his qualifications, term of office, salary and powers and duties with reference to the public roads and bridges; making the members of the commissioners court inspectors in their respective precincts, and fixing their salary; prescribing the powers and duties of the commissioners court with reference to road overseers and persons liable to road duty in said county, and fixing the county judge's and commissioners' salary for serving as members of the commissioners court; providing for working county convicts on the public roads and bridges, and giving the commissioners court power to make rules and regulations therefor; and providing for the working of delinquent poll tax payers on the roads and bridges of said county; prescribing the manner in which the commissioners court may condemn land and material of whatsoever kind for road and bridge purposes; and providing that said court may accept donations of land, money, labor, teams, tools and all kinds of necessary property and material for road and bridge purposes; providing for the recovery of damages from any person who knowingly and wilfully destroys, injures, or misplaces any bridge, culvert, drains, sewer, ditch, signboard, mile post, or tile

or anything of like character placed on any road for the benefit of same; giving the commissioners court power to transfer any surplus fund from one fund of the county to another and making certain exceptions thereto; providing that all fines, penalties and forfeitures collected by reason of any misdemeanor conviction shall be paid into the road and bridge fund of said county; explaining certain words and terms used in this law, and authorizing the commissioners court to refund all outstanding indebtedness incurred prior to March 1, 1925, for road and bridge purposes; providing that this act shall be cumulative of all general laws on the subject of roads and bridges when not in conflict herewith, and repealing all special road laws for Bastrop county, and declaring an emergency."

H. B. No. 324, A bill to be entitled "An Act amending Chapter 16 of the Local and Special Laws of the Thirty-sixth Legislature, being an act passed at the Regular Session thereof and approved on the 19th day of February, 1919, and incorporating the Saratoga Independent School District and defining its boundaries; divesting the county of Hardin of the control of schools in Common School District No. 17, and fixing the same in the board of trustees of Saratoga Independent School District; and providing for the assumption by the said Saratoga Independent School District of all debts, bonds and other obligations of Common School District No. 17 of Hardin county, Texas, and other common school districts whose boundaries are affected by this act, and providing for the election of board of trustees and defining the powers given said independent school district through its said board of trustees; providing for the filling of vacancies in such board, and giving said board the power to manage and control, maintain and operate the public free schools in said district; making said school district a body politic with right to sue and be sued, contract and be contracted with; providing for the election and qualification of trustees for said district; providing for the appointment of a tax collector and tax assessor; providing for the appointment of a board of equalization by the board; defining the powers of the board of trustees to contract with the superintendent, principal and teachers of said school district; repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 25, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 90, A bill to be entitled "An Act amending Article 5655 and Article 5658, Chapter 7, Title 86, Revised Civil Statutes of Texas, 1911, regarding instruments intended to operate as liens on personal property, and providing for the filing and registration thereof, and the effect of such instruments when not filed for registration, by adding thereto a provision in reference to the filing and registration of transfers of chattel mortgages, deeds of trust and other evidences of lien upon personal property," with amendments.

H. B. No. 385, A bill to be entitled "An Act to create the Wolfe City Independent School District in Hunt county, Texas, including the present Wolfe City Independent School District of said county; providing for a board of trustees in said district; vesting said independent school district and board of trustees with all the powers, rights, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Wolfe City Independent School District shall continue to act as such herein; divesting the city of Wolfe City of the control of the public schools of the district as created by this act, and declaring an emergency."

H. C. R. No. 20, Inviting Madame Schumann-Heink to visit the House and Senate, and extending thanks to her for her patriotic work.

H. B. No. 53, A bill to be entitled "An Act to amend Article 3691 of the Revised Statutes of the State of Texas, by adding that conviction of a felony shall not disqualify a witness from testifying," with amendments.

H. B. No. 50, A bill to be entitled "An Act creating and incorporating the Klondike Independent School District in Dawson county, Texas, out of territory now composing Common School District No. 26 in said county; defining the boundaries thereof, and for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor, and providing that said Klondike Inde-

pendent School District shall assume all the obligations and indebtedness of said Common School District No. 26; vesting title to property of said Common School District No. 26 in Klondike Independent School District; providing for an assessor and collector of taxes thereof, and providing for the election and terms of office of trustees thereof, and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act creating an additional district court for Dallas county, defining its jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act creating and incorporating the Hancock Independent School District in Dawson county, Texas, out of territory now composing Common School District No. 27 in said county; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor, and providing that said Hancock Independent School District shall assume all the obligations and indebtedness of said Common School District No. 27; providing for an assessor and collector of taxes therefor, and providing for a board of equalization of said district; providing for the election and terms of office of trustees thereof, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act prohibiting the employment of children under fifteen years of age to labor in certain occupations; prohibiting the employment of children under seventeen years of age to labor in certain occupations; prohibiting the sending of children under seventeen years of age to certain places; limiting the hours of labor for children under fifteen years of age; providing for permits to be issued by the county judge for children between the ages of twelve and fifteen years to labor in certain occupations and under certain conditions; requiring employers employing children between the ages of twelve and fifteen to secure and post permits where a child is employed; providing how such permits may be secured; giving the Commissioner of Labor Statistics, or his deputies or inspectors, free access to all places where children or minors are employed; providing penalties for violations of the act, and repealing all laws and parts of laws

in conflict with the act, and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act incorporating the Italy Independent School District in Ellis county, Texas, for free school purposes only; defining its boundaries; providing for a board of trustees; providing for a treasurer for the funds of said district, and providing for an assessor and collector of taxes of said district; divesting the city of Italy of the control of its public schools and the title to school property and vesting the same in said Italy Independent School District and its board of trustees, and prescribing the rights, privileges and duties of said Italy Independent School District and its board of trustees and officers; authorizing the levying and collection of taxes for said school purposes, and authorizing the right of eminent domain to condemn property for school purposes; authorizing the said independent school district to borrow money without the issuance of bonds; authorizing the said board to be vested with all authority that is vested in board of trustees of independent school districts by the general laws of the State of Texas, and authorizing them to employ an attorney for the protection of property, and declaring an emergency."

H. B. No. 217, A bill to be entitled "An Act to protect life and limb by requiring safeguarding of all passenger elevators within the State of Texas; providing for approval of safety devices, and fixing a penalty."

H. B. No. 250, A bill to be entitled "An Act to amend Article 384 of the Penal Code of the State of Texas, enlarging the exceptions therein stated so that Article 381 and Article 382 of the Penal Code of the State of Texas shall not apply to members of the Legislature who, by reason of physical infirmities, require a personal attendant, and declaring an emergency."

Has adopted Simple Resolution No. 48 requesting return of Senate bill No. 335 to the Senate for further consideration.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

PROVIDING EXTENSION OF TIME FOR MEMBERS IN MAKING INCOME TAX RETURNS.

Mr. Purl offered the following resolution:

H. C. R. No. 18, Providing extension

of time for members of Legislature for making income tax returns.

Whereas, Hon. Lee Satterwhite, Speaker of the House of Representatives, had read to the membership of this House a communication he had received from the office of Collector of Internal Revenue Department, Austin, Texas, which stated in substance that the Commissioner of Internal Revenue, Income Tax Unit, Washington, D. C., is the only official who now has authority to grant extension of time to pay income taxes after March 15; and

Whereas, It now appears that the membership of the House and Senate will be so busy attending to State matters, and will be away from their offices and personal files, and therefore would be unable to accurately file their income return by March 15, 1925; therefore, be it

Resolved, That the Clerk of the House of Representatives be instructed to write to the Commissioner of Internal Revenue, Washington, D. C., stating the above facts and respectfully request that the members of the House of Representatives and the Senate of the Thirty-ninth Legislature be given as much extension of time in making income tax returns as is consistent with the policy of the government.

The resolution was read second time and was adopted.

MESSAGE FROM THE GOVERNOR.

Mr. Ghent Sanderford, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Department.

Austin, Texas, February 25, 1925.

To the Honorable Thirty-ninth Legislature:

I desire to call your special attention to the imperative condition of the docket of the Court of Criminal Appeals. There are now more than six hundred cases pending upon the docket of said court, and the majority of said cases have not yet even been submitted for lack of time of the court to hear the same.

There was never perhaps a more hard-working and competent court created by the State government than the present court, but the great increase of business makes it impossible to promptly or in

any reasonable time consider cases coming under its jurisdiction. This court has now no more membership than it had when the Constitution was adopted forty years ago, and yet the business of the court has increased perhaps twenty-fold. This will easily explain the present crowded condition of the court. The docket is now approximately a year behind, and with the increasing number of cases it will get farther behind if something is not done to relieve the condition. Criminals are now getting the advantage of justice not being swift as well as sure, and many cases are now appealed for delay only.

While I am generally opposed to the creation of new offices, yet I believe the people of the State want justice to the innocent and to the offender to be prompt and certain. This will cause the better enforcement of the law and more respect for the law.

I am therefore bringing this matter to your attention and suggest that something be done to facilitate the decisions of the court. A Commission of Appeals composed of two judges can be created by the Legislature with power to render decisions subject to the approval of the present court. In this way the creation of a new court out and out will be avoided and the expense will not be increased in any great sum.

I trust the matter will receive your early attention.

Respectfully,
MIRIAM A. FERGUSON,
Governor of Texas.

EXTENDING COURTESIES TO MRS. NETTIE POWER HOUSTON BRINGHURST.

Mr. Kittrell offered the following resolution:

Whereas, There is present in the Hall of the House Mrs. Nettie Power Houston Bringhurst, the Texas poetess, who is the youngest daughter of one of the three surviving children of Sam Houston; and

Whereas, It is at once a matter of pride and patriotic duty to do fitting honor to the daughter of a man whose name is woven into the very warp and woof of Texas history; therefore, be it

Resolved, That the Hon. Eugene H. Blount, Representative from Nacogdoches county, whose grandfather, Stephen W. Blount, stood side by side with Sam Houston at Old Washington on the banks of the Brazos on March 2, 1836, and with him signed that memo-

rable and historic document, the Declaration of Texas Independence, be appointed by the Speaker to escort the distinguished lady to the Speaker's stand, and present her to the House, and that the members do stand while she is being so escorted and presented.

Signed—Kittrell, Brown. Poage.

The resolution was read second time and was adopted.

RECESS.

Mr. Cox of Lamar moved that the House recess to 2 o'clock p. m. today.

Mr. Loftin moved that the House adjourn until 2 o'clock p. m. today.

The motion of Mr. Cox of Lamar prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

ADDRESS BY MRS. NELLIE HOUSTON BRINGHURST.

In accordance with a resolution heretofore adopted, extending courtesies of the floor to Mrs. Nellie Houston Bringhurst, Mr. Blount, being invited by the House, escorted Mrs. Nellie Houston Bringhurst to the Speaker's stand, and having performed the duty Speaker Satterwhite then presented Hon. Eugene Blount, who in turn introduced Mrs. Nellie Houston Bringhurst.

Mrs. Nellie Houston Bringhurst then addressed the House.

HOUSE BILL NO. 53 WITH SENATE AMENDMENTS.

Mr. Barker called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 53, A bill to be entitled "An Act to amend Article 3691 of the Revised Statutes of the State of Texas, by adding that conviction of a felony shall not disqualify a witness from testifying."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Barker, the House concurred in the Senate amendments.

HOUSE BILL NO. 67 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 67, A bill to be entitled "An Act to prohibit any person masked or disguised from going into any public place in a manner calculated to disturb the inhabitants thereof or from disturbing any inhabitants thereof; or from going into or near or demanding entrance or admission into any private house or church or from disturbing any inhabitant thereof; or from, in either a public or private place, permitting any assault upon any person; defining punishment for violation of this act, and declaring an emergency."

The bill was read third time.

Question recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 67 was then finally passed by the following vote:

Yeas—84.

Acker.	Kittrell.
Albritton.	Laird.
Amsler.	Lane of Hamilton.
Baker of Orange.	Lane of Harrison.
Baker of Panola.	Loftin.
Barker.	Low.
Barron.	Mankin.
Bartlett.	McFarlane.
Bateman.	McGill.
Bean.	Parish.
Bedford.	Pavlica.
Bobbitt.	Pearce.
Brown.	Petsch.
Bryant.	Pope.
Cade.	Powell.
Chitwood.	Raymer.
Coffey.	Renfro.
Covey.	Rice.
Cox of Navarro.	Robinson.
Dale.	Rowell.
Daniels.	Runge.
Davis of Dallas.	Sanford.
DeBerry.	Shearer.
Downs.	Simmons.
Dunn of Falls.	Simpson.
Durham.	Sinks.
Enderby.	Smith of Nueces.
Farrar.	Sparks.
Finlay.	Stautzenberger.
Foster.	Stell.
Frnka.	Stevens.
Graves.	Stevenson.
Hagaman.	Storey.
Hall.	Teer.
Harman.	Thompson.
Harper.	Veatch.
High.	Walker.
Hollowell.	Wallace.
Hoskins.	Webb.
Hull.	Wells.
Justice.	Williamson.
Kenyon.	Wilson.
King.	Young.

Nays—22.

Alexander	Johnson.
of Bastrop.	Jordan.
Alexander	Kayton.
of Limestone.	Kemble.
Avis.	Lipscomb.
Boggs.	McBride.
Carter.	McDougald.
Coody.	McKean.
Cummings.	McNatt.
Dinkle.	Merritt.
Dunn of Hopkins.	Nicholson.
Fields.	Perdue.
Florence.	Rowland.
Gray.	Westbrook.
Jacks.	

Present—Not Voting.

Sheats.	Woodruff.
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Absent.

Atkinson.	Maxwell.
Bird.	McDonald.
Blount.	Montgomery.
Bonham.	Moore.
Conway.	Poage.
Cox of Lamar.	Pool.
Davis of Wood.	Purl.
Dielmann.	Rawlins.
Donnell.	Rogers.
Dunlap.	Smyth.
Faulk.	Stout.
Houston.	Strong.
Irwin.	Taylor.
Jasper.	Tomme.
Jones.	Wade.
Kinnear.	Wester.
Masterson.	

Absent—Excused.

Smith of Travis.

Mr. Barker moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 162 ON SECOND READING.

On motion of Mr. Covey, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 162, A bill to be entitled "An Act to repeal Article 2753 of the Revised Civil Statutes of 1911 pertaining to the organization and holding of county and district institutes for teachers, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

(Mr. Petsch in the chair.)

Mr. Donnell offered the following amendment to the bill:

Amend House bill No. 162, Section 1, by striking out after the words "such institutes," in lines 19 and 20, and insert the following: "Teachers now receiving one hundred (\$100) dollars or more per month in salary shall be allowed only one-half the pro rata part of their salaries for the week they are in attendance at such institutes, and teachers receiving salaries of more than one hundred (\$100) dollars per month shall receive only one-third of the pro rata part of their salaries for the week they are in attendance at such institution. Teachers receiving annual salaries shall be allowed actual cost only of their board and lodging while in attendance at such institutes."

On motion of Mr. Renfro, the amendment was tabled.

Mr. Woodruff offered the following amendment to the bill:

Amend House bill No. 162 by striking out the enacting clause.

(Speaker in the chair.)

Mr. Fields moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—47.

Acker.	McDonald.
Baker of Orange.	McFarlane.
Barron.	Montgomery.
Bird.	Nicholson.
Cade.	Parish.
Chitwood.	Pavlica.
Conway.	Pool.
Coody.	Raymer.
Cox of Navarro.	Rowell.
DeBerry.	Runge.
Dielmann.	Shearer.
Enderby.	Simmons.
Florence.	Simpson.
Foster.	Smyth.
Frnka.	Stautzenberger.
Gray.	Teer.
Hagaman.	Thompson.
Harman.	Tomme.
Harper.	Walker.
Hollowell.	Wester.
Hoskins.	Williamson.
Justice.	Wilson.
Lane of Harrison.	Woodruff.
Mankin.	Young.

Nays—79.

Albritton.	Alexander
Alexander	of Limestone.
of Bastrop.	Atkinson.

Avis.	Kinnear.
Barker.	Laird.
Bartlett.	Lane of Hamilton.
Bateman.	Loftin.
Bean.	Low.
Bedford.	McBride.
Bobbitt.	McDougald.
Boggs.	McGill.
Bonham.	McKean.
Bryant.	McNatt.
Carter.	Merritt.
Coffey.	Moore.
Covey.	Pearce.
Cox of Lamar.	Perdue.
Cummings.	Petsch.
Dale.	Poage.
Daniels.	Pope.
Davis of Dallas.	Powell.
Davis of Wood.	Rawlins.
Dinkle.	Renfro.
Donnell.	Rice.
Downs.	Robinson.
Dunlap.	Rogers.
Dunn of Falls.	Sanford.
Dunn of Hopkins.	Sheats.
Farrar.	Sinks.
Fields.	Stell.
Finlay.	Stevens.
Graves.	Storey.
Hall.	Stout.
High.	Strong.
Hull.	Taylor.
Jacks.	Veatch.
Johnson.	Webb.
Jordan.	Wells.
Kayton.	Westbrook.
King.	

Present—Not Voting.

Lipscomb.

Absent.

Amsler.	Kenyon.
Baker of Panola.	Kittrell.
Blount.	Masterson.
Brown.	Maxwell.
Durham.	Purl.
Faulk.	Rowland.
Houston.	Smith of Nueces.
Irwin.	Sparks.
Jasper.	Stevenson.
Jones.	Wade.
Kemble.	Wallace.

Absent—Excused.

Smith of Travis.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 162 was then passed to engrossment by the following vote:

Yeas—68.

Albritton.	Alexander
Alexander	of Limestone.
of Bastrop.	Atkinson.

Avis.	Kinnear.
Baker of Panola.	Laird.
Barker.	Lane of Hamilton.
Bateman.	McBride.
Bean.	McDonald.
Bird.	McGill.
Bobbitt.	McKean.
Bryant.	McNatt.
Carter.	Merritt.
Coffey.	Moore.
Coody.	Pearce.
Covey.	Perdue.
Cox of Lamar.	Petsch.
Cummings.	Poage.
Dale.	Pope.
Davis of Dallas.	Rawlins.
Davis of Wood.	Renfro.
Dielmann.	Rice.
Donnell.	Rogers.
Downs.	Rowland.
Dunlap.	Sanford.
Dunn of Falls.	Shearer.
Dunn of Hopkins.	Sinks.
Farrar.	Stell.
Fields.	Stevens.
Finlay.	Storey.
Graves.	Stout.
Gray.	Strong.
Hall.	Taylor.
High.	Veatch.
Jacks.	Webb.
Kayton.	Wells.
King.	

Nays—54.

Acker.	McDougald.
Baker of Orange.	McFarlane.
Barron.	Montgomery.
Bartlett.	Nicholson.
Bedford.	Pavlica.
Boggs.	Parish.
Cade.	Pool.
Chitwood.	Powell.
Conway.	Raymer.
Cox of Navarro.	Robinson.
DeBerry.	Rowell.
Dinkle.	Runge.
Enderby.	Sheats.
Florence.	Simmons.
Foster.	Simpson.
Frnka.	Smyth.
Hagaman.	Stautzenberger.
Harman.	Teer.
Harper.	Thompson.
Hollowell.	Tomme.
Hoskins.	Walker.
Hull.	Westbrook.
Johnson.	Wester.
Justice.	Williamson.
Lane of Harrison.	Wilson.
Loftin.	Woodruff.
Mankin.	Young.

Present—Not Voting.

Daniels.	Lipscomb.
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Absent.

Amsler.	Kenyon.
Blount.	Kittrell.
Bonham.	Low.
Brown.	Masterson.
Durham.	Maxwell.
Faulk.	Purl.
Houston.	Smith of Nueces.
Irwin.	Sparks.
Jasper.	Stevenson.
Jones.	Wade.
Jordan.	Wallace.
Kemble.	

Absent—Excused.

Smith of Travis.

Mr. Cummings moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Mr. Ghent Sanderford, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Department,

Austin, Texas, February 19, 1925.

To the Members of the House of Representatives, Thirty-ninth Legislature, Austin, Texas.

I hereby transmit to you the amended treaty agreed upon by the commissioners of Texas and New Mexico, which amended treaty is approved by the representative of the United States, relative to the division of the waters of the Pecos River, in which matter by appointment of the Governor of this State, the State of Texas was represented by Hon. R. E. Thomason of El Paso, Texas.

It became necessary for the commissioner of this State and the commissioner of New Mexico to redraft the treaty that was on the fifteenth day of January, 1925, submitted to you by Governor Neff for your consideration. I am therefore submitting this pact in lieu of the pact submitted to you on said date.

In keeping with the resolution heretofore passed by the Legislature of the State of Texas, it was agreed that if a treaty or compact as here presented was agreed upon by representatives of the two States, said compact should be submitted to the Governors of the respective States and by them submitted to the Legislature for ratification; and in

view of the facts stated, I desire to withdraw from your consideration the compact dated December 19, 1924, and submit the one hereto attached for such action as you may deem appropriate.

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor.

Pecos River Compact.

The State of Texas and the State of New Mexico having resolved to enter into a compact, under the acts of their respective Legislatures, have, through their Governors, appointed as their commissioners R. E. Thomason for the State of Texas and Richard H. Hanna for the State of New Mexico, who, after negotiations participated in by C. T. Pease, appointed by the Secretary of the Interior of the United States, as a representative of the Bureau of Reclamation, have agreed upon the following articles:

Article I.

Present rights to the beneficial use of the water of the Pecos River and its tributaries are unimpaired by this compact, the major purposes of which are to provide for the equitable division and apportionment of the unappropriated and flood waters of the Pecos River system; to promote interstate comity; to remove causes of present and future controversies and to secure the expeditious agriculture development of the Pecos River Basin by the conservation and economical distribution of the waters therein.

Article II.

In this compact:

(a) The State of New Mexico and the State of Texas are designated respectively as "New Mexico" and "Texas" and these terms include the citizens and corporations of each State.

(b) The term "Pecos River System" means the Pecos River and all of its tributaries, including springs and swamps, from its sources in New Mexico to the Kansas City, Mexico & Orient Railroad as now constructed between the towns of Alpine and Sherwood in Texas.

(c) The term "Pecos River Basin" means all of the drainage area of the Pecos River system.

(d) The term "Upper Basin" means that part of the Pecos River basin above and north from a due east and west line crossing the Pecos River on the boundary between Townships Six (6) and Seven (7) North, Range Twenty-two (22) East of the New Mexico Principal Meridian.

(e) The term "Middle Basin" means that part of the Pecos River basin below and south from a prolongation of the boundary line between Townships Six (6) and Seven (7) North, Range Twenty-two (22) East of the New Mexico Principal Meridian to the Texas-New Mexico State line.

(f) The term "Lower Basin" means that part of the Pecos River basin within the State of Texas lying above and northwest of the Kansas City, Mexico & Orient Railroad.

(g) The term "Domestic Use" shall include the use of water for household, stock, municipal, milling, industrial, railroad and other like purposes.

(h) The term "Carlsbad Project" means certain tracts of land in Townships Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), and Twenty-six (26) South, Ranges Twenty-six (26), Twenty-seven (27), Twenty-eight (28) and Twenty-nine (29) East of the New Mexico Principal Meridian, and all reservoirs, dams, canals, drains and other works, constructed or that may hereafter be constructed, by the United States for the reclamation, use and benefit thereof.

Article III.

The right to appropriate and use for irrigation and domestic purposes the natural flow of the Pecos River system in the upper basin shall not be limited or abridged by this compact but no permit or permits for the construction of any additional storage reservoir or reservoirs, or for the enlargement of any existing reservoir, within the upper basin, having an aggregate capacity or capacities of more than ten thousand (10,000) acre feet, shall be granted by the State of New Mexico prior to the first day of January, 1940.

Article IV.

Within the middle basin, New Mexico shall have in perpetual indefeasible rights in the waters of the Pecos River system to divert and use from either or both natural flow or storage reservoirs, constructed or to be constructed, sufficient water, whenever available, for all domestic purposes and the irrigation of seventy-six thousand (76,000) acres of land.

Article V.

Texas shall, at all times, subject to the provisions of Articles 3, 4 and 9 of this compact, have the right:

1. To divert all of the natural flow of the Pecos River system in the lower basin for domestic and agricultural purposes.

2. To build, maintain and operate a storage reservoir or reservoirs at or below what is commonly known as the Red Bluff reservoir site, in Eddy county, New Mexico, for the use and benefit of forty thousand (40,000) acres of land in Loving, Reeves, Ward, Crane and Pecos counties, Texas, and to store any surplus waters to which Texas may be entitled, and to acquire by purchase, prescription or the exercise of eminent domain, such rights of way, easements, or lands, as may be necessary for the construction, maintenance and operation of said reservoir; provided, that said reservoir shall be constructed and in operation on or before the first day of January, 1940, and provided further, that the construction, maintenance and operation of said reservoir shall not vest in Texas any prior, preferred or superior servitude upon or claim or right to the waters of the Pecos River in New Mexico.

Article VI.

All surplus water flowing in the Pecos River within the middle and lower basins, over and above that required for domestic use the adequate and proper irrigation of seventy-six thousand (76,000) acres of land in the middle basin and forty thousand (40,000) acres of land in the lower basin, shall be divided equally between the signatory States. All permits issued by either New Mexico or Texas, prior to January 1, 1940, for the use of the surplus waters shall specifically state that the rights granted by said permits are and shall be subservient to prior rights for seventy-six thousand (76,000) acres of land in the middle basin and forty thousand (40,000) acres of land in the lower basin.

Article VII.

1. Texas and New Mexico, at their joint expense, shall maintain a stream gauging station upon the Pecos River at or near Malaga, Eddy county, New Mexico, for the purpose of ascertaining the amount of surplus water flowing in said river. The location of said gauging station may, by mutual consent, be changed from year to year as conditions of the river may require.

2. The State Engineer of New Mexico and the Board of Water Engineers for Texas shall make provisions for the cooperative gauging of and the details of

operating said station and for the exchange and publication of records and data relative to the discharge of the river at said station.

Article VIII.

The use of any impounded water of the Pecos River system for the generation of electrical power shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent the use for such dominant purposes.

Article IX.

Notwithstanding any limitations or restrictions, either expressed or implied, in this compact upon the area to be irrigated in the middle basin, New Mexico shall have the right on and after January 1, 1940, to extend and increase the irrigated area within the middle basin, over and above seventy-six thousand (76,000) acres, one-fifth (1-5) of an acre:

(1) For each and every acre foot that the aggregate effective storage capacity of all reservoirs, now or hereafter constructed for the use of the lower basin shall be less than two hundred and fifty thousand (250,000) acre feet;

(2) For each and every acre foot of the original capacity or capacities of any and all reservoirs constructed for the use and benefit of the lower basin that have been or may be abandoned or unused for a period of five (5) years, or longer.

Article X.

Nothing in this compact shall be construed as affecting the rights of the United States of America in the waters of the Pecos River system or in the Carlsbad Project.

Article XI.

It shall be the duty of the State Engineer of New Mexico and the Board of Water Engineers for Texas to supervise the carrying out of the provisions of this compact, within their respective States, and they may, from time to time, formulate rules and regulations for that purpose, which, when promulgated by them, shall be binding until amended or until terminated.

Article XII.

Whenever any official of either State is designated to perform any duty under this compact, such designation shall include the State official or officials upon whom the duties now performed by such

designated official or officials may hereafter devolve.

Article XIII.

Should any claim or controversy arise between the signatory States: (a) with respect to the waters of the Pecos River system not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact; or (d) as to the construction, maintenance or operation of storage works within New Mexico for the use and benefit of Texas; the Governors of the signatory States, upon the request of either one of them, shall forthwith appoint commissioners with power to consider and adjust such claims or controversy, subject to ratification by the Legislatures of New Mexico and Texas.

Article XIV.

Nothing in this compact shall be construed to limit or prevent either State or the United States from instituting or maintaining any action or proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

Article XV.

Nothing in this compact shall be construed to affect the right to appropriate, under the laws and regulations of New Mexico and Texas, any waters that if unappropriated and unused would not contribute to the flow of the Pecos River.

Article XVI.

This compact may be modified or terminated at any time by mutual consent of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

Article XVII.

This compact shall become binding and operative when approved by the Legislatures of each of the signatory States and consented to by the Congress of the United States. Notice of approval by the Legislatures shall be given by the Governor of each State to the Governor of the other State and to the President of the United States, and the President of the United States is requested to give notice to the signatory States of consent by the Congress of the United States.

In witness whereof, the Commissioners have signed this compact in tripli-

cate originals, one of which shall be deposited with the Department of the Interior of the United States and one with the Governor of each of the signatory States.

Done at El Paso, Texas, this tenth day of February, A. D. 1925.

RICHARD H. HANNA,
Commissioner for New Mexico.
R. E. THOMASON,
Commissioner for Texas.

Approved:
C. T. PEASE.

COMMUNICATION FROM TREASURY DEPARTMENT.

The Speaker laid before the House and had read the following communication:

Treasury Department.
Internal Revenue Service,

Austin, Texas, February 24, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives, Austin, Texas.

My Dear Mr. Satterwhite: Attention is called to my letter of February 19, 1925, in regard to securing an extension of time from the Commissioner of Internal Revenue in which to file income tax returns for the calendar year 1924. It appears that I made no reference to the payment of interest when an extension is secured. Section 270 (c) (2) provides that if an extension of time in which to file a return is requested, and granted by the commissioner, that interest shall be charged at the rate of six per cent per annum from the due date of the tax until the expiration of the extension, regardless of whether the taxpayer avails himself of the extension or not. For example, if you request an extension of time from March 15 to April 15, you must pay interest on the first installment of tax for one month at the rate of six per cent per annum, even though you file your return on or before March 15.

Respectfully,
JAMES W. BASS,
Collector.

RELATING TO INCOME TAX.

Mr. Hall moved to reconsider the vote by which the resolution offered on yesterday by Mr. Purl, relating to income tax reports, was adopted.

The motion to reconsider prevailed.

Question then recurring on the resolution, it was lost.

HOUSE BILL NO. 68 ON SECOND READING.

On motion of Mr. Chitwood, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act to amend Chapter 26, Acts of the Regular Session of the Thirty-second Legislature, as amended in Chapter 36 of the Acts of the Thirty-fourth Legislature, Regular Session, providing for the election of a county board of trustees in each county of the State, prescribing the qualifications, term of office and method of election of county trustees, defining the duties and powers of the county board of trustees and of subordinate school officials employed by the said board in the administration of the public free school under their jurisdiction, repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Chitwood offered the following (committee) amendment to the bill:

Amend House bill No. 68 by striking out all below the words "a bill to be entitled" and insert in lieu thereof the following: -

"An Act to amend Chapter 26, Acts of the Regular Session of the Thirty-second Legislature, as amended in Chapter 36 of the Acts of the Thirty-fourth Legislature, Regular Session, providing for the election of a county board of trustees in each county of the State, prescribing the qualifications, term of office and method of election of county trustees, defining the powers and duties of the county board of trustees and of subordinate school officials employed by the said board in the administration of the public free schools under their jurisdiction, repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 26, Acts of the Regular Session of the Thirty-second Legislature, as amended in Chapter 36, Acts of the Thirty-fourth Legislature, Regular Session, be so amended that the same shall hereafter read as follows:

Sec. 2. The general management and control of the public free schools of all

common school districts and all independent school districts of less than five hundred scholastic population in each county of the State shall be vested in five county school trustees, one of whom shall be elected by the qualified voters of the common school districts and the independent school districts having less than five hundred scholastic population, as shown by the last preceding scholastic census, and one from each commissioner's precinct by the qualified voters of the common school districts and the independent districts having less than five hundred scholastic population, who shall hold office for a term of two years or until their successors are elected or appointed and qualified; provided that no person shall be eligible for election or appointment as a county school trustee who does not reside in a common school district or in an independent school district having fewer than five hundred scholastic population, and provided further that no two of the four county trustees elected or appointed from the commissioners precincts may continue in office while residing in the same precinct, the removal of a county trustee into the precinct in which a member of the board of county trustees elected by the precinct resides to vacate his office as a member of said board of county trustees. The county school trustees shall be qualified voters of the precinct or county from which they are elected; they shall be of good moral character, able to read and speak the English language, shall be persons of general education and shall be in sympathy with public free schools.

The time for the election of county school trustees shall be the same as that for the election of trustees for the common school districts, the first Saturday in April of each year; the order for the election of the county school trustees to be made by the county judge at least thirty days prior to the date of said election, and there shall be one voting place designated by the order for each school district. The election officers appointed to hold the election for trustees in each school district shall hold the election at the same place therein for the county school trustees.

The first election under this act shall be held on the first Saturday in April, 1926, at which time there shall be elected two county school trustees for a term of two years, and the second election under this act shall be held on the first Tuesday in April, 1927, at which time

there shall be elected in each county three county school trustees; and each year thereafter there shall be elected alternately two county school trustees and three county school trustees in each county; provided that the county school trustees now in office shall continue in office for the terms which they were chosen and qualified. If there be any county in Texas at the time of the taking effect of this act which has no county school trustees as provided for herein, the county commissioners court shall appoint five county school trustees, two to serve until the election and qualification of their successors in 1926 and three to serve until the election and qualification of their successors in 1927; and the qualified electors of the common school districts and the independent school districts of less than five hundred scholastic population of each county shall annually thereafter elect county school trustees as are required under the provisions of this act.

The county superintendent of public instruction as secretary of the county board of education shall be required to keep an accurate record of the terms of office of the school trustees of each common school district and of the county school trustees and shall furnish the county judge at least sixty days prior to the date of the election of district and county school trustees the number of trustees to be elected in each school district and the number of county school trustees to be elected from each commissioner's precinct or from the county at large, as the case may be. The returns of the election for county school trustees shall be made to the county clerk within five days after such election shall have been held, to be delivered by him to the commissioners court at its first meeting thereafter, to be canvassed and the results declared, as in the case of other elections; and the county clerk on behalf of the commissioners court shall issue to the county school trustees their commissions and impress thereon the seal of said court.

The oath of office prescribed by the Constitution of the State for State and county officers must be taken by the county school trustees before the commission shall be issued, the said oath of office to be filed in the office of the county clerk. At the regular meeting in May and after the qualification of new members the county school trustees shall organize by electing one of their number president.

The State Superintendent of Public Instruction is hereby directed and re-

quired to prepare a proper form of, the ballot to be used in the election of county school trustees and such other explanation of the laws as in his judgment may be necessary, and transmit the same to the county judge of each county at least sixty days prior to the date of the election of county school trustees.

Sec. 3. It shall be the duty of the county school trustees to classify the schools of the county in accordance with such regulations as may be prescribed by the State Superintendent of Public Instruction into elementary schools and high schools for the purpose of promoting efficiency of the elementary schools and of establishing and promoting high schools at convenient and suitable places. In classifying the schools and in establishing high schools, the county school trustees shall confer and advise with the county superintendent of public instruction and the school trustees of each district at interest, and shall give due regard to schools already located, to the distribution and advancement of the scholastic population of the county.

The county trustees shall not so classify any school as to deprive any child of scholastic age of its right to receive instruction in the grade to which it belongs in the public school of the district in which it resides, unless arrangements are made by the county school trustees for the said child to attend a school of proper classification free of charge for the number of months the school of his home district is maintained in another district which is within reasonable walking distance of the home of said child; that is, a school of proper classification which is not more than three miles from the home of said child; the distance to be computed according to the route or road commonly traveled in going from the home of said child to the school building, or unless the county school trustees shall arrange for the free transportation daily of said child to and from the school of proper classification, and it is hereby made the duty of the county superintendent of public instruction and of the county school trustees to see that every child of scholastic age is properly provided for as herein required, and the State Superintendent of Public Instruction is hereby directed and required to transmit definite and specific instructions to the county superintendent of public instruction, the county school trustees and the district school trustees with respect to the proper observance and administration of this law, to the end that no child

shall be deprived of its right to attend school.

Sec. 4. The county school trustees shall, in co-operation with the county superintendent of public instruction, prescribe a course of study for the public schools of the county conforming to the law and the requirements of the State Superintendent of Public Instruction.

In addition to the subjects prescribed by law to be taught in the public schools of Texas, such additional subjects as agriculture, manual training, domestic economy or other vocational branches shall be included in the course of study in all high schools provided for herein which are located outside of incorporated towns and cities and special attention shall be given to teaching said subjects.

Sec. 5. The county school trustees are hereby authorized to exercise the authority heretofore vested in the county commissioners court with respect to subdividing the county into school districts and to making changes in school district lines and to the management and control of the schools of the county. The county superintendent, as secretary of the county school board of trustees, shall keep an accurate and complete record in a well-bound book provided for that purpose, field notes of all changes made in school district lines and of all proceedings of the county school trustees. A certified copy of all such changes in school district lines shall be made and transmitted by the county superintendent to the county clerk and it shall be the duty of the county clerk to record the field notes and certified copy of such changes in a well-bound book to be designated as the "Record of School Districts," the expenses incident to the preparation of such records, maps and plats necessary in changing and recording changes in school district lines to be provided for by the commissioners court.

The local tax rate or rates previously authorized by the district of which the territory transferred by the county board, under the provisions of this section, was a part may be continued in force over the original territory for which such tax rates were authorized by the district to which it is transferred until such time as such taxes may be suspended by a uniform tax voted by the qualified taxpaying voters of the enlarged district.

Sec. 6. The county board of trustees is hereby authorized and required to employ for the county a superintendent

of public instruction who shall hold a State teacher's permanent certificate and have had, prior to his appointment, at least five years of successful teaching experience in Texas and to determine and fix the amount of his salary, not to exceed thirty-six hundred (\$3600) dollars per annum, and office and traveling expenses not to exceed nine hundred dollars annually, and to provide for the payment of the same in accordance with the general provisions of law; provided that nothing in this act shall be so construed as to affect the current term of office or salary of a county superintendent or ex-officio county superintendent of schools; except in the case of vacancies in the office of county superintendent, occurring prior to January 1, 1927; provided that the board of trustees of a county may employ, under the provisions of this act, at the expiration of his present term, the present incumbent of the office of superintendent of public instruction of the county, if at the time of his employment he is the holder of a first grade certificate, or a certificate of equivalent or higher grade, valid for the term of his employment. The county board of trustees shall also have the authority, on the recommendation of the county superintendent, to employ an assistant county superintendent and such other assistants to the county superintendent as in their judgment may be necessary for the proper conduct of the public schools under their jurisdiction, and to fix the amount of the salaries and expenses of such assistants and to provide for the payment of the same out of the State and county available funds apportioned to the school districts under the jurisdiction of the county board as set forth in Section 2 of this act. The scholastic and professional qualifications required herein for the county superintendent shall apply to the assistant county superintendent who shall be authorized to act in the absence or disability of the county superintendent. The term of office for the county superintendent and assistant superintendent shall be for a period of two years, but the county board of trustees is hereby authorized to dismiss them for cause, subject to the existing provisions of law relating to the dismissal of teachers in the public schools of Texas; provided that the first appointments under the provisions of this act shall be for a term expiring not later than August 31, 1928. The term of office of the other assistants provided for in this act shall be determined by the county board of trustees, not to exceed two years. It is hereby made the

duty of the commissioners court to provide a suitable office in the courthouse, furniture and necessary office supplies, for the county superintendent. The employment of teachers by the common school districts of the county shall be subject to the approval of the county superintendent.

Provided that the board of trustees of any county in the State of which the combined scholastic population of all common school districts and independent districts of less than five hundred scholastic population, exclusive of transfers, is less than one thousand may, at the discretion of said board of trustees, provide for the employment of a part-time superintendent of public instruction for the county, subject to the provisions of this act except in so far as the same may have to be modified to provide for part-time instead of full-time employment and service of the county superintendent; provided, however, that no modification of the professional qualifications of the superintendent prescribed herein shall be made.

Sec. 7. In providing better high school facilities for the children of the county and in carrying out the provisions of Section 3 of this act the county superintendent of public instruction shall, on the recommendation of the county school trustees, for the scholastic year in which the classification of the schools of their residence is made, transfer children of scholastic age from one school district to another within the county, and the amount of the State and county available funds to which said transferred children are entitled in the district of their residence shall be transferred for their benefit.

Sec. 8. The county school trustees of each county shall constitute a body corporate, by the name of the county school trustees of.....County, State of Texas, and in that name may acquire and hold real and personal property, sue and be sued, and may receive bequests and donations or other moneys or funds coming legally into their hands and may perform other acts for the promotion of education in the county. The title to any school property belonging to the county, the title of which has been heretofore vested in the county judge and his successors in office or any school property that may be acquired, shall vest in the county school trustees and their successors in office for public free school purposes.

The county school trustees shall des-

ignite the county superintendent as their secretary and executive officer and it shall be the duty of the county superintendent to keep a true and correct record of all the proceedings of said county school trustees in a well-bound book, which shall be open to inspection.

Upon receiving notice from the State Superintendent of Public Instruction of the amount of State available school funds appropriated to the county, exclusive of all independent districts having each more than one hundred and fifty scholastics, it shall be the duty of the county school trustees, acting with the county superintendent, to apportion all available State and county funds to the school districts as prescribed by law.

All appeals from the decisions of the school district boards of trustees shall lie to the county board of trustees and from the said county board to the State Superintendent of Public Instruction and thence to the State Board of Education.

Each county school trustee shall be paid five (\$5) dollars per day for the time spent in attending meetings provided for in this act, such payments to be made from the general fund of the county by warrants drawn on order of the commissioners court, after approval of the account, properly sworn to, by the president of the county school trustees; provided that no county school trustee shall receive more than sixty (\$60) dollars for any one year.

All vacancies in the office of county school trustees shall be filled by election by the remaining members of the county board of school trustees for the remainder of the term of the prior incumbent. Three of the county school trustees shall constitute a quorum for the transaction of business and all questions shall be decided by a majority vote; except that three affirmative votes shall be required for the selection of officials appointed by the board, in making changes in school district lines and in deciding appeals from the decision of subordinate school officials.

The county school trustees shall call an annual meeting of the district school trustees of the county to be held at the county seat at some convenient season in July, August or September of each year, at which meeting shall be considered by the said county school trustees and the district school trustees, in joint meeting presided over by the chairman of the county school trustees, ques-

tions dealing with the location of high schools and the teaching of high school subjects, the classification of schools and such other matters as may pertain to the location, conduct, maintenance and discipline of schools, the terms thereof and other matters of interest in school affairs of the county, and the county board of trustees shall be guided in their action by the result of the deliberation of such meeting not inconsistent with law. The county school trustees may also call other meetings of the district school trustees when deemed necessary by them or on the petition of the majority of such school trustees.

The county school trustees shall hold meetings once each quarter on the first Monday in August, in November, in February and in May, or as soon thereafter as practicable and at other times when called by the president of the county school trustees or at the instance of any two members of the county board of school trustees and the county superintendent, the meeting place to be at the county seat and in the office of the county superintendent of public instruction. The county trustees may adopt such by-laws and rules governing their meetings as are not in conflict with the provisions of laws.

Sec. 9. The provisions of this act shall be held to be cumulative to existing provisions of law relating to the powers and duties of county school trustees and other school officials, except when such provisions of law are in direct conflict herewith; and all laws and parts of laws, both general and special, in conflict with the provisions of this act are hereby repealed.

Sec. 10. The fact that the present law in force in the State concerning the subject matter of this bill is inadequate for the proper organization and maintenance of the public free schools of the counties of the State, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

Mr. Dale moved that further consideration of the bill be postponed indefinitely.

(Pending consideration of the bill, Mr. Hall occupied the chair temporarily.)

(Speaker in the chair.)

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 217, "An Act to protect life and limb by requiring safeguarding of all passenger elevators within the State of Texas; providing for approval of safety devices, and fixing a penalty."

H. B. No. 57, "An Act creating an additional district court for Dallas county; defining its jurisdiction; adjusting the business of the existing district courts to the business thereof; prescribing the duties of the district clerk with respect thereto, and declaring an emergency."

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Downs:

H. B. No. 559, A bill to be entitled "An Act to amend Article 7383, Chapter 2, of Title 126, Revised Civil Statutes, so as to levy upon the right and privilege of producing oil in this State by taking the same from the earth an occupation tax equal to 3 per cent of the value of the total amount of oil produced in this State for the quarter next preceding the first days of January, April, July and October of each year, and such tax shall become due and payable, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Dielmann (by request):

H. B. No. 560, A bill to be entitled "An Act to require all public work authorized to be done by the State, or by any county, city or town incorporated under general or special law, or school district created by general or special law, or authorized to be done under any county or road district law, either general or special, or authorized to be done by any other subdivision or district of the State, or by any public or governing board, body, commission, or board of trustees, in the erection, construction, alteration, extension, repair or ornamentation of any public building, public ground or public works, or improvements, or construction, alteration, repair or maintenance of any public road, highway, public ground, bridge, levee, viaduct, subway, drainage ditch or canal, water or sewer system or any

other character of public work to be paid out of funds provided by law or by donation, where the cost of same shall exceed the sum of five thousand dollars, to be done only under contract after competitive bidding; to prescribe the manner of bidding and awarding of contracts for such work; to regulate and prohibit the expenditure of public funds for such work except as provided by this act, and fixing a penalty for a violation thereof; authorizing injunction proceedings by taxpayers to restrain violations thereof; requiring public records to be kept of such work; exempting from the provisions of the act ordinary repair of public highways or streets by day labor when the cost does not exceed four hundred dollars for any one mile per annum, and exempting ordinary maintenance of public buildings and public works and work required to be immediately done in the event of a sudden emergency, caused by fire, a public enemy, or act of God, and repealing all laws in conflict herewith."

Referred to Judiciary Committee.

By Mr. Smyth:

H. B. No. 561, A bill to be entitled "An Act creating the Halfway Independent School District, situated in Hale county, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent districts incorporated for school purposes only under the general laws; providing for a board of five (5) trustees therefor; providing a board of equalization, and prescribing the duties and authority of said board and of said trustees; declaring valid a maintenance and bond tax heretofore voted; declaring valid all debts owing to and by said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Raymer:

H. B. No. 562, A bill to be entitled "An Act to validate assignments of not less than forty acres of a permit or lease of oil and gas on University lands and fresh water lakes, and not less than one thousand linear feet of any river bed in this State, where such assignments were executed and delivered before the passage of this act; providing the parent tract must be in good standing at passage of this act; providing for recording assignments in county clerks' offices, and filing in General Land Office; fixing filing and acreage fees; disposition of fees; declaring result of such assignments; allowing holder of State permit or lease to

assign into one ownership, and limiting to sixteen sections, or 10,240 acres, of land the amount that can be held in one combination of leases; providing for five-year term for State oil and gas leases and prescribing conditions of validity and continuance; providing for issuance of lease upon discovery of oil or gas and the terms and conditions of such lease; declaring that any unconstitutional or inoperative part of this act shall not affect the remaining parts; repealing conflicting laws, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Smyth:

H. B. No. 563, A bill to be entitled "An Act creating and incorporating the Runningwater Independent School District of Hale county, Texas, for free school purposes only; defining its boundaries; vesting it with all the rights, powers, duties and privileges of independent school districts under the general laws of Texas pertaining thereto; providing a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein; vesting all lands, buildings and all other property now owned and held for free school purposes by Runningwater Common School District in the Runningwater Independent School District; providing that all outstanding indebtedness, whether bonded or otherwise, is a valid obligation against the Runningwater Independent School District; declaring valid a maintenance and bond tax heretofore voted by said Runningwater Common School District, and repealing all other acts and laws in conflict herewith.

Referred to Committee on School Districts.

By Mr. Albritton and Mr. Thompson (by request):

H. B. No. 564, A bill to be entitled "An Act to create the Yoakum Independent School District in DeWitt and Lavaca counties, Texas; providing a board of trustees therefor and vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; divesting the town of Yoakum of the control and management of the public schools thereof and vesting the same in the Yoakum Independent School District as herein created, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Moore and Mr. Jacks:

H. B. No. 565, A bill to be entitled "An Act repealing the following laws: Chapter 42, General Laws, Regular Session, Thirtieth Legislature; Articles 1532 and 1533 of the Penal Code of the State of Texas, of 1911; Chapter 83, General Laws, Regular Session, Thirty-second Legislature; Chapter 88, General Laws, Regular Session, Thirty-seventh Legislature; Chapter 99, General Laws, Regular Session, Thirty-seventh Legislature; Chapter 110, General Laws, Regular Session, Thirty-seventh Legislature; Chapter 83, General Laws, Regular Session, Thirty-eighth Legislature; Chapter 46, General Laws, Second Called Session, Thirty-eighth Legislature, and repealing all other laws prohibiting the giving of free passes, transportation or service by railroad companies, street railway companies, interurban railway companies or other chartered transportation companies, express companies, sleeping car companies, telegraph or telephone companies, or persons or associations of persons operating the same or the receivers or lessees thereof, or any officer, agent or employe of such companies in this State, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Hull:

H. B. No. 566, A bill to be entitled "An Act to amend Article 6531 of Chapter 8, of Title 115, of the Revised Civil Statutes of Texas, relating to the practice in cases where a railroad is sued for property occupied by it for railroad purposes, so as to include within the operation of said article all persons or corporations having the right of eminent domain, and declaring an emergency."

Referred to Committee on Common Carriers.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 17, to the Committee on Live Stock and Stock Raising.

Senate bill No. 327, to the Committee on State Affairs.

Senate bill No. 330, to the Committee on Judicial Districts.

RECESS.

Mr. Sinks moved that the House adjourn until 9 o'clock a. m. Thursday.

Mr. Tomme moved that the House recess to 9 o'clock a. m. tomorrow.

The motion of Mr. Tomme prevailed, and the House, accordingly, at 5:15 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Judiciary—House bill No. 48; Senate bills Nos. 32, 310, 244, 131, 110, 238.

Insurance—House bill No. 460.

Judicial Districts — Senate bill No. 207.

School Districts—House bills Nos. 459, 473; Senate bills Nos. 344, 215, 339, 300, 297, 273, 321, 317.

Live Stock and Stock Raising—House bills Nos. 474, 503.

Education—House bill No. 421, and Senate bill No. 192.

Privileges, Suffrage and Elections—House bill No. 461.

State Affairs—House bills Nos. 538, 450; Senate bill No. 92.

The following committees have today filed unfavorable reports on bills as follows:

Judiciary—House bills, Nos. 342, 469.

Insurance—House bills Nos. 453, 452, 448, 381.

Constitutional Amendments — House joint resolutions Nos. 24, 23.

Privileges, Suffrage and Elections—House bills Nos. 190, 344.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 24, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 417, A bill to be entitled "An Act to amend Section 1, Chapter 70, of the Acts of the Thirty-sixth Legislature, Third Called Session, entitled 'Creating an independent school district, to be known as the Dumas Independent School Districts,' etc., by redefining and adding to the Dumas Independent School District all the territory now embraced

in Common School District No. 1 of Moore county, Texas; and adding thereto Section 1a, divesting the said Common School District No. 1 of the control of the public free schools in said District No. 1, and investing the said Dumas Independent School District with full control of the public free schools within the limits of said independent district," etc.

And find the same correctly engrossed.

COVEY, Vice-Chairman.

Committee Room,

Austin, Texas, February 25, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 315, A bill to be entitled "An Act creating Red Ranger Common School District No. 116 in Bell county, Texas, fixing its boundaries by metes and bounds, dissolving and abolishing the old Cyclone School District No. 9, and out of a part of same by this special act creating and establishing the said Red Ranger Common School District No. 116, situated in said county of Bell; providing for the payment of any indebtedness and bonds, and declaring an emergency,"

And find the same correctly engrossed.

ROWELL, Chairman.

Committee Room,

Austin, Texas, February 24, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 450, A bill to be entitled "An Act amending Chapter 9 of the Local and Special Laws of the Thirty-third Legislature, entitled 'An Act creating the Bishop Independent School District in Nueces county, Texas, including within its boundaries the municipal corporation of the city of Bishop,' and known as House bill No. 57, by redefining the boundaries of and adding to the Bishop Independent School District certain territory lying west now embraced in Common School District No. 24 in Nueces county, Texas, and providing that the entire Bishop Independent School District as herein created may, by an election held for that purpose, assume and become liable for all legal indebtedness of the Bishop Independent School District as it here-

tofore existed; continuing in office the present trustees until the next regular trustee election; providing for election of trustees and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees full powers granted under general laws and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to levy tax to pay current expenses for the maintenance and support of said schools; providing for a board of equalization and prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an emergency."

And find the same correctly engrossed.

COVEY, Vice-Chairman.

Committee Room,

Austin, Texas, February 25, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 86, A bill to be entitled "An Act creating the Sayers Independent School District; describing the boundaries thereof; providing a board of trustees for its government; granting supervising exemptions for it; investing it with power to make oil leases; applying general laws to it; retaining its liabilities, assets and tax rate, and declaring an emergency."

And find the same correctly engrossed.

ROWELL, Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 25, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 217, "An Act to protect life and limb by requiring safeguarding of all passenger elevators within the State of Texas, providing for approval of safety devices and fixing a penalty, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,

Austin, Texas, February 25, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bill, to whom was referred

H. B. No. 57, "An Act creating an additional district court for Dallas county; defining its jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

THIRTY-THIRD DAY.

(Continued.)

(Thursday, February 26, 1925.)

The House met at 9 o'clock a. m. and was called to order by Speaker Satterwhite.

HOUSE BILL NO. 68 ON ENGROSSMENT.

The House resumed consideration of pending business, same being

H. B. No. 68, A bill to be entitled "An Act to amend Chapter 26, Acts of the Regular Session of the Thirty-second Legislature, as amended in Chapter 36 of the Acts of the Thirty-fourth Legislature, Regular Session, providing for the election of a county board of trustees in each county of the State; prescribing the qualifications, term of office and method of election of county trustees, defining the duties and powers of the county board of trustees and of subordinate school officials employed by the said board in the administration of the public free school under their jurisdiction, repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The bill having heretofore been read second time, with (committee) amendment by Mr. Chitwood, and motion by Mr. Dale to postpone further consideration of the bill indefinitely, pending.

Mr. Graves offered the following amendment to the amendment:

Amend House bill No. 68, page 5, by striking out Section 6 and inserting in lieu thereof the following:

"The qualified voters of all common school districts and the independent districts having less than five hundred scholastic population in each county of